



215143

Bridgewater Resources, Inc.

A Subsidiary of Waste Solutions Group of Somerset

November 11, 2005

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

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Public Record



Re: Formal Comment on Petition for Declaratory Order
National Solid Wastes Management Association, et al
FD-34776

Dear Secretary Williams:

Enclosed please find the comments of Bridgewater Resources, Inc. ("BRI") on the Petition for Declaratory Order filed by National Solid Wastes Management Association, et al, Finance Docket Number 34776. BRI is a fully-permitted transfer station located in Somerset County, New Jersey.

Please note that BRI ships over 80% of its post-recycled waste products to landfills utilizing various railroads. In the past twelve months we have shipped out by rail approximately 2,000 railcars from our facility, so we are big supporters of utilizing rail to manage the shipments of solid waste.

What we do oppose is the process of short-line railroads claiming to utilize the "federal preemption" to set up illegal transfer stations, which we don't think any would pass muster with state health and safety regulations if they were to legally try to obtain permits. That is a critical distinction. Although the federal preemption does clearly allow for the direct transfer of material from a truck to a railcar (so long as waste does not hit the ground), the illegal transfer stations in question do much more than that. Almost all:

1. Discharge and place onto the ground their waste product before loading into railcars.
2. The illegal transfer station operator (not the short-line railroad) processes, crushes, recycles and/or pulls out some commodities from the waste. There are all sorts of intermediate processing and handling going on before waste materials are put into railcars.
3. Material is often left on the ground (most often outside) if there are no railcars to load.

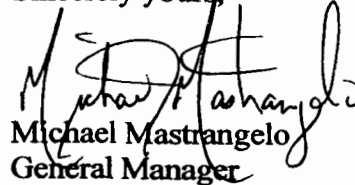
4. None of the illegal transfer stations facilities have gone through the standard health and safety checks of their owners/operators to see if they have criminal records, past environmental fines, etc.

The federal government does not regulate transfer stations, due in large part to the extensive network of state and local laws that apply. Exclusive Surface Transportation Board ("STB") jurisdiction over transfer stations effectively strips these facilities of any meaningful environmental regulation, oversight or control, and presents a serious risk to public health and environment. Will the STB become the environmental watchdog for these facilities? Will the STB carefully regulate facility design to ensure protection of public health and the environment? Will the STB replace the continuous inspections that state and local governments perform? Who will respond to environmental emergencies that may be created by the lack of regulation? Who will address citizen complaints?

All of the above mentioned issues speak to the health & safety of these rail operations. Without oversight and approvals by local and state environmental official's basic health and safety controls cannot be maintained.

We ask that you grant this Petition for Summary Judgment.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Michael Mastrangelo", is written over the typed name and title.

Michael Mastrangelo
General Manager
Bridgewater Resources, Inc.



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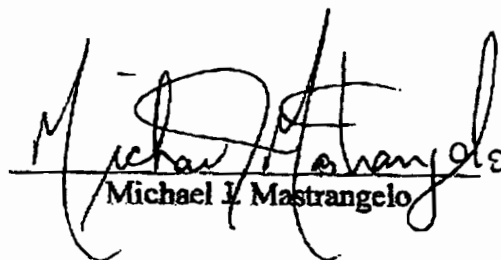


I hereby certify that a true copy of the foregoing Comment was served this 16th day of November, 2005, upon the following by Overnight mail:

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Michael J. Mastrangelo